

Appl. No. 10/672,645
Amdt. dated May 24, 2005
Reply to Office action Mailed Feb 24, 2006

REMARKS/ARGUMENTS

Claims 2 and 3 have been canceled and claims 9 and 10 have been amended to obviate the examiners objections.

Claims 2, 3 and 14 have been canceled with claim 3 being incorporated into claim 1 and claim 14 being incorporated into claim 8 to obviate the examiners rejections.

Claims 4 and 11 have been canceled to obviate the examiners objection.

Novelty (35 USC § 102)

The Office considers claims 1, 7-8 and 14 rejected under 35 U.S.C. 102(b) as being anticipated by Marshall (US 3,722,958).

Claim 1 now includes the limitations of the cover being held on the vehicle rim with magnets. The use of magnets to retain the spinner wheel cover is not disclosed in Marshall '958.

Claim 8 now includes the limitation that the second member is located off axis from the first member that is attached to the rim of the vehicle. There is no disclosure in Marshall that identifies the location of the spinning member to exist in any location other than concentric with the first member that is attached to the rim of the vehicle. Locating the second member off axis imparts a different turning rotation onto the

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spinning member that is not equivalent to the spinner being located concentric with the member that is attached onto the rim.

A rejection under 35 U.S.C. 102(b) requires that each and every limitation be found in the reference.

Obviousness (35 USC § 103(a))

The examiner has rejected Claims 1, 7-8, and 14 under 35 U.S.C. 103(a) as being unpatentable over Wang (6,702,396) in view of Fowlkes (US 6,554,370).

The examiner has rejected Claims 2 and 9 under 35 U.S.C. 103(a) as being unpatentable over Wang (6,702,396) in view of Fowlkes (US 6,554,370) as applied to claims 1 and 8 and in view of Wallach (US 6,820,475)

The examiner has rejected Claims 3 and 10 under 35 U.S.C. 103(a) as being unpatentable over Wang (6,702,396) in view of Fowlkes (US 6,554,370) as applied to claims 1 and 8 and in view of Miyanaga (US 3,367,722)

The applicant collectively addresses the prior art cited by the examiner under 35 USC § 103(a).

In amended claim 1 the applicant has included the limitation of using magnets to retain the cover onto the vehicle rim. The only reference cited by the examiner that uses magnets is Miyanaga '722.

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Miyanaga utilizes magnets to retain a single cover on a vehicle rim. The purpose of the cover disclosed in Miyanaga is to cover the dirty rim and to prevent dirt from entering the rim area. The applicant contends that the use of the cover in Miyanaga teaches away from using a wheel cover for the purposes of viewing the inside of the rim well by covering it with the magnetically attached cover.

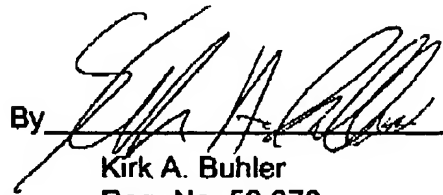
In amended claim 8 the applicant has included the limitation of locating the second or spinning cover off axis from the first member that is fixed onto the vehicle rim. The only cited rejection on the limitation to canceled claim 14 that is now incorporated into independent claim 8 is with Wang (6,702,396) in view of Fowlkes (US 6,554,370). The office action from the examiner did not address the spinning member being located in reference Wang (6,702,396) or Fowlkes (US 6,554,370) and there is no disclosure in either of these two reference that state that the spinning cover is located anywhere other than concentric with the cover that is attached to the vehicle rim.

Based upon the above analysis, Independent claims 1 and 8 are not obvious based upon changes made to claims 1 and 8. Independent claims 7, 9 and 10 are not obvious based upon the changes made to claims 1 and 8 by virtue of their dependence on independent claims 1 and 8.

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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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